THE HONOURABLE MR JUSTICE C.V.RAMULU

WRIT PETITITON No. 19353 of 2000

Dated : 25th August, 2005.

Between:

S.Krishan Murthy, Conductor,

Main Bazar,

H.No.3/26,Porumamilla Post,

Cuddapah District.

And

The A.P.S.R.T.C. Represented by its

Chairman & Managing Director,

Musheerabad, Hyderabad and others.

THE HON'BLE MR JUSTICE C.V.RAMULU

WRIT PETITION No : 19353 of 2000

ORDER:

This writ petition is field challenging the proceedings No.P.A/20A(6)/2000-RM&'C', dated 31-01-2000 of the Regional Manager, Kadapa denying the petitioner relief of continuity of service, attendant benefits with back wages, etc.

There is no necessity to go into all the details. The petitioner was appointed as a Conductor in A.P.S.R.T.C., in the year 1986. In pursuance of disciplinary proceedings initiated against him in view of the proved misconduct, he was removed from service with effect from 15-10-1999. Aggrieved by the same, he filed an appeal before the Divisional Manager, A.P.S.R.T.C., and the same was dismissed on 8-12-1999. Therefore, he filed review petition and the Regional Manager, Kadapa Region, Kadapa allowed it partly on 31-01-2000 taking a lenient view of the matter, and directing fresh appointment of the petitioner as a Conductor.

Except the only allegation against the petitioner that he was having excess cash of Rs.345/- in his cash bag at the time of check, there is no other charge levelled against the petitioner. The petitioner gave a statement showing that some passengers gave Rs.500/- note and got the ticket and he endorsed on the back side of the ticket as "due" and that was not taken into consideration by Deputy Chief Traffic Manager and made a false complaint against him, which resulted in

conducting an enquiry and removal from service.

The second respondent-Regional Manager, Kadapa while considering the matter, noticed that enquiry report, revealed that the petitioner had allowed 30 rice bags transportation from Giddalur to Rajampet and collected due fare and also due luggage from the passenger. However, he has collected illegal gratification for allowing the luggage for being transported. Though, no irregularities were found, there was excess cash available in the cash bag at the time of check. The appellate authority felt that the petitioner should have collected change due in cash only and should have endorsed the amount in Service Register change due column meant for it. Whereas, he failed to do so in this case. This means, some technical mistake made by the petitioner.

It is not the case that the petitioner has caused any loss to the Corporation or he has issued tickets and did not account for it, nor he has not issued ticket and not collected fare or not issued luggage ticket and collected fare. In fact, several cases, he endorsed on the backside of it as to the due amount. Under those circumstances, there was some excess amount found in the cash bag. For this technical and trivial mis-conduct, the petitioner was removed from service. However, the appellate authority has taken a lenient view in the matter and directed reinstatement of the petitioner. But, I am of the view that the appellate authority has totally neglected to consider the past conduct of the petitioner right from the year 1986-1999. Though, a counter is filed by the respondents in this writ petition, there is no whisper as to the past conduct. The petitioner as Conductor keeping such a good conduct for more than 14 years is unusual.

Therefore, I am of the opinion that this being trivial mis-conduct, the denial of 14 long years of service would definitely harm the petitioner both in the ranks as well as in the seniority and also retirement benefits. Therefore, the removal proceedings No.02/95(13)/99-BDVL, dated 15-10-1999 and the proceedings No.PA/20A (6)/2000-RM & ‘C’, dated 31-1-2000 are set aside and the respondents are directed to reinstate the petitioner with continuity of service but without any attendant benefits, such as notional increments etc. The petitioner is also not entitled to any back wages.

With the above modification, the writ petition is allowed. No order as to costs.

(C.V.RAMULU, J.)

Dated 25th August, 2005.

mrb